

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

PATRICIA MCLEAD, *et al*,

Plaintiffs,

VS.

L-3 COMMUNICATIONS VERTEX
AEROSPACE, LLC,

Defendant.

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CIVIL ACTION NO. C-08-264


ORDER

On this day the Court held a telephone conference in the above-styled action and ordered as follows:

“Supreme Court precedent, case law from other circuits, and the statutory language of ... Section 1332 ... overwhelmingly support the position that a LLC should not be treated as a corporation for purposes of diversity jurisdiction.” Harvey v. Grey Wolf Drilling Co., 542 F.3d 1077, 1080 (5th Cir. 2008). “Rather, the citizenship of a LLC is determined by the citizenship of **all of its members.**” Id. (emphasis added); see also Wise v. Wachovia Secs., LLC, 450 F.3d 265, 267 (7th Cir. 2006) (citations omitted) (“The citizenship for diversity purposes of a limited liability company, ... despite the resemblance of such a company to a corporation (the hallmark of both being limited liability), is the citizenship of each of its members.”); Johnson v. Columbia Props. Anchorage, LP, 437 F.3d 894, 899 (9th Cir. 2006) (“[A]n LLC is a citizen of every state of which its owners/members are citizens.”). Plaintiffs in this case have not pled the citizenship of the members of Defendant L-3 Communications Vertex Aerospace, LLC. (See D.E. 8, ¶ I(u).) Furthermore, during the initial pre-trial conference, Defendant’s representative suggested that one of its members is a citizen of Texas, which would destroy diversity in this case. (See D.E. 8,

¶ I(a) (“Plaintiffs PATRICIA MCLEAD and PATRICK MCLEAD are individuals who reside in the state of Texas.”).) Accordingly, Plaintiffs are hereby ORDERED to file an amended complaint properly pleading the citizenship of each of the members of Defendant LLC, and demonstrating the complete diversity of the parties, no later than Thursday, February 19, 2009, at 5:00 PM, or the Court will dismiss this case for lack of federal subject matter jurisdiction.

SIGNED and ORDERED this 12th day of February, 2009.



Janis Graham Jack
United States District Judge